

Nos. 2022-1642

**United States Court of Appeals
for the Federal Circuit**

CARAVAN CANOPY INTERNATIONAL, INC.,

Appellant,

v.

WALMART, INC., Z-SHADE CO., LTD., COSTCO WHOLESALE
CORPORATION, LOWE'S HOME CENTERS, LLC, SHELTERLOGIC CORP.,

Appellees.

Appeal from the Patent Trial and Appeal Board of the
United States Patent and Trademark Office in IPR2020-01026

**APPELLEES' UNOPPOSED MOTION FOR A 30 DAY EXTENSION OF
TIME TO FILE THEIR RESPONSE BRIEF**

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Counsel for Appellee Walmart Inc.

August 15, 2022

Pursuant to Federal Rule of Appellate Procedure 26(b) and Federal Circuit Rules 26(b) and 27(h), Appellees Walmart Inc., Z-Share Co., Ltd., Costco Wholesale Corporation, Lowe's Home Centers, LLC, and Shelterlogic Corp. ("Appellees") move this Court to modify the briefing schedule to extend the deadline for Appellees to file their response brief by 30 days. Appellant Caravan Canopy International, Inc. ("Appellant") does not oppose this motion.

As set forth in the accompanying Declaration of David A. Reed, Appellees seek this extension for good cause, because counsel of record have other professional commitments before the current deadline that have impacted and will continue to impact their ability to prepare Appellees' brief under the current deadline. In accordance with Federal Circuit Rule 26(b), Appellees further state that:

1. Appellees seek to extend the due date for their response brief, currently set for September 6, 2022.
2. Appellees seek to extend the due date until October 6, 2022.
3. Appellees are seeking a 30-day extension.
4. Appellees have not previously sought or been granted an extension in this case.
5. Appellant does not oppose the requested 30-day extension.

For the foregoing reasons, Appellees respectfully request that the Court grant a 30-day extension for the deadline for Appellees to file their response brief, resulting in a new deadline of October 6, 2022.

August 15, 2022

/s/ David A. Reed

David A. Reed

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/s/ William J. Brown

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Counsel for Appellee
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/s/ John R. Horvack, Jr.

Damian K. Gunningsmith
John R. Horvack, Jr.
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Counsel for Appellee
ShelterLogic Corp.

/s/ Lauren K. Katzenellenbogen

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Michael K. Friedland
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3579 Valley Centre Dr.
San Diego, CA 92130
Telephone: (949) 707-4000

Counsel for Appellee
Costco Wholesale Corporation
and Z-Shade Co., Ltd.

FORM 9. Certificate of Interest

Form 9 (p. 1)
July 2020

UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

CERTIFICATE OF INTEREST

Case Number 2022-1642

Short Case Caption Caravan Canopy International, Inc. v. Walmart Inc.

Filing Party/Entity Walmart Inc.

Instructions: Complete each section of the form. In answering items 2 and 3, be specific as to which represented entities the answers apply; lack of specificity may result in non-compliance. **Please enter only one item per box; attach additional pages as needed and check the relevant box.** Counsel must immediately file an amended Certificate of Interest if information changes. Fed. Cir. R. 47.4(b).

I certify the following information and any attached sheets are accurate and complete to the best of my knowledge.

Date: 04/28/2022

Signature: /s/ Steven D. Moore

Name: Steven D. Moore

FORM 9. Certificate of Interest

Form 9 (p. 2)
July 2020

1. Represented Entities. Fed. Cir. R. 47.4(a)(1).	2. Real Party in Interest. Fed. Cir. R. 47.4(a)(2).	3. Parent Corporations and Stockholders. Fed. Cir. R. 47.4(a)(3).
Provide the full names of all entities represented by undersigned counsel in this case.	Provide the full names of all real parties in interest for the entities. Do not list the real parties if they are the same as the entities. <input type="checkbox"/> None/Not Applicable	Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities. <input checked="" type="checkbox"/> None/Not Applicable
Walmart Inc.	Campvalley (Xiamen) Co. Ltd.	
	Zhejiang Zhengte Co., Ltd.	

☐ Additional pages attached

FORM 9. Certificate of Interest

Form 9 (p. 3)
July 2020

4. Legal Representatives. List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities. Do not include those who have already entered an appearance in this court. Fed. Cir. R. 47.4(a)(4).

☐ None/Not Applicable ☐ Additional pages attached

Tyler McAllister Kilpatrick Townsend & Stockton LLP		

5. Related Cases. Provide the case titles and numbers of any case known to be pending in this court or any other court or agency that will directly affect or be directly affected by this court's decision in the pending appeal. Do not include the originating case number(s) for this case. Fed. Cir. R. 47.4(a)(5). See also Fed. Cir. R. 47.5(b).

☐ None/Not Applicable ☐ Additional pages attached

Caravan Canopy Int'l, Inc. v. Walmart Inc., No. 2:19-cv-06978 (C.D. Cal.)	Caravan Canopy Int'l, Inc. v. Z-Shade Co. Ltd. et al., No. 2:19-cv-06224 (C.D. Cal.)	
Caravan Canopy Int'l, Inc. v. The Home Depot USA, Inc. et al., No. 8:19-cv-01072 (C.D. Cal.)	Caravan Canopy Int'l, Inc. v. Lowe's Home Centers, LLC et al., No. 2:19-cv-06952 (C.D. Cal.)	
Caravan Canopy Int'l, Inc. v. ShelterLogic Corp. et al., No. 5:19-cv-01224 (C.D. Cal.)		

6. Organizational Victims and Bankruptcy Cases. Provide any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees). Fed. Cir. R. 47.4(a)(6).

☒ None/Not Applicable ☐ Additional pages attached

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July 2020

UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

CERTIFICATE OF INTEREST

Case Number 22-1642

Short Case Caption Caravan Canopy International, Inc. v. Walmart, Inc.

Filing Party/Entity Z-Shade Co., Ltd.

Instructions: Complete each section of the form. In answering items 2 and 3, be specific as to which represented entities the answers apply; lack of specificity may result in non-compliance. **Please enter only one item per box; attach additional pages as needed and check the relevant box.** Counsel must immediately file an amended Certificate of Interest if information changes. Fed. Cir. R. 47.4(b).

I certify the following information and any attached sheets are accurate and complete to the best of my knowledge.

Date: 4/28/2022

Signature: /s/ Lauren K. Katzenellenbogen

Name: Lauren K. Katzenellenbogen

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Z-Shade Co., Ltd.	Z-Shade Co. Ltd.	

☐ Additional pages attached

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☐ None/Not Applicable

☐ Additional pages attached

Kerry Taylor Knobbe, Martens, Olson & Bear, LLP	Andrew M. Douglas Knobbe, Martens, Olson & Bear, LLP	Lauren K. Katzenellenbogen Knobbe, Martens, Olson & Bear, LLP
Michael K. Friedland Knobbe, Martens, Olson & Bear, LLP		

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UNITED STATES COURT OF APPEALS
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Case Number 22-1642

Short Case Caption Caravan Canopy International, Inc. v. Walmart, Inc.

Filing Party/Entity Costco Wholesale Corporation

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Costco Wholesale Corporation	Costco Wholesale Corporation	

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July 2020

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

CERTIFICATE OF INTEREST

Case Number 2022-1642

Short Case Caption Caravan Canopy International, Inc. v. Walmart, Inc.

Filing Party/Entity Lowe's Home Centers, LLC

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I certify the following information and any attached sheets are accurate and complete to the best of my knowledge.

Date: 04/28/2022

Signature: /s/ William J. Brown, Jr.

Name: William J. Brown, Jr.

[illegible]

☐ Additional pages attached

FORM 9. Certificate of Interest

Form 9 (p. 3)
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☐ None/Not Applicable

☐ Additional pages attached

Richard A. Neifeld		
Neifeld IP Law, PC		

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☐ None/Not Applicable

☒ Additional pages attached

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Caravan Canopy Intl, Inc. v.	Home Depot U.S.A., Inc.	No. 8:19-cv-01072-PSG-ADS
Caravan Canopy Intl, Inc. v.	Z-Shade Co., Ltd.	No. 2:19-cv-06224-PSG-ADS

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☐ None/Not Applicable

☐ Additional pages attached

Att. to Form 9 (p. 4)

**ATTACHMENT to 5.
CERTIFICATE OF INTEREST [Form 9]**

Case Title

Case Number

Caravan Canopy Intl, Inc. v. Shelterlogic Corp. No. 5:19-cv-01224-PSG-ADS

Caravan Canopy Intl, Inc. v. Walmart, Inc. No. 2:19-cv-06978-PSG-ADS

FORM 9, Certificate of Interest

Form 9 (p. 1)
July 2020UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUITCERTIFICATE OF INTEREST

Case Number 2022-1642

Short Case Caption Caravan Canopy International, Inc. v. Walmart, Inc.

Filing Party/Entity ShelterLogic Corp.

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I certify the following information and any attached sheets are accurate and complete to the best of my knowledge.

Date: 04/28/2022Signature: /s/ Damian K. GunningsmithName: Damian K. Gunningsmith

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ShelterLogic Corp.		SLogic Holding Corp.
		ShelterLogic Group, Inc.
		ShelterLogic Group Holdings, Inc.

☐ Additional pages attached

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☐ None/Not Applicable ☐ Additional pages attached

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Caravan Canopy Int'l, Inc. v. Lowe's Home Centers, LLC et al., 2:19-cv-06952 (C.D. Cal. Aug. 9, 2019)	Caravan Canopy Int'l, Inc. v. Walmart Inc., 2:19-cv-06978 (C.D. Cal. Aug. 12, 2019)	

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☒ None/Not Applicable ☐ Additional pages attached

DECLARATION OF DAVID A. REED

I, David A. Reed, declare as follows:

1. I am an attorney licensed to practice in the State of Georgia. I am a member in good standing in all jurisdictions where I have been admitted to practice.

2. I am principal counsel for Appellee Walmart Inc. (“Walmart”). Along with my colleague Kathleen R. Geyer, I have responsibility for preparation of Appellees’ briefing in this appeal.

3. Counsel of record have professional commitments during the period preceding and around the current deadline for Appellees’ responsive brief. The same counsel also are occupied with several Federal Circuit, district court, and ITC cases, which will require substantial time during the present period, including for briefing in multiple co-pending appeals, and expert reports and depositions. Counsel of record also must coordinate with counsel for Appellees Z-Shade Co., Ltd., Costco Wholesale Corporation, Lowe’s Home Centers, LLC, and Shelterlogic Corp. in connection with this appeal.

4. These commitments have impacted and will continue to impact counsel’s ability to prepare Appellees’ responsive brief under the current deadline.

5. Based on communications with counsel for Appellant, I understand that Appellant does not oppose this request and will not be filing an opposition.

I declare under penalty of perjury under the laws of the United States of America that the foregoing statements are true and correct.

Executed this 15th day of August, 2022.

/s/ David A. Reed
David A. Reed

Counsel for Appellee
Walmart Inc.

CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 27(d) and 32(g), the undersigned hereby certifies that this motion complies with the type-volume limitation of Circuit Rule 27(d).

1. Exclusive of the accompanying documents as authorized by Fed. R. App. P. 27(a)(2)(B) and the exempted portions of the motion as provided by Fed. R. App. P. 27(d)(2) and 32(f), the motion contains 446 words.

2. The motion has been prepared in proportionally spaced typeface using Microsoft Office 365 in 14 point Times New Roman font as provided by Fed. R. App. P. 32(a)(5)-(6). As permitted by Fed. R. App. P. 32(g), the undersigned has relied upon the word count feature of this word processing system in preparing this certificate.

/s/ David A. Reed
David A. Reed

PROOF OF SERVICE

I hereby certify that on August 15, 2022, a true and correct copy of the foregoing **APPELLEES' UNOPPOSED MOTION FOR A 30 DAY EXTENSION OF TIME TO FILE THEIR RESPONSE BRIEF** was filed with the Clerk of the United States Court of Appeals for the Federal Circuit and served on all counsel of record by the Court's CM/ECF system.

/s/ David A. Reed
David A. Reed

Counsel for Appellee Walmart Inc.